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PATENT  
Our Docket: P-LJ 4868

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
John C. Reed ) Examiner: Unknown  
)  
Serial No.: 09/955,526 ) Group Art Unit: 1638  
)  
Filed: September 12, 2001 )  
) I hereby certify that this correspondence is being deposited with the  
For: PLANT CYTOPROTECTIVE ) United States Postal Service as first class mail in an envelope  
GENES AND METHODS OF ) addressed to: Commissioner for Patents, Washington, D.C.  
USING SAME ) 20231, on August 30, 2002.  
)  
By Andrea L. Gashier  
Andrea L. Gashier, Reg. No. 41,029

August 30, 2002  
Date of Signature

Commissioner for Patents  
Washington, D.C. 20231

ATTN: Office of Initial Patent Examination  
Customer Service Center

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OCT 18 2002

*TECH CENTER 1600/2900*

CORRECTION OF FILING RECEIPT

Sir:

The filing receipt issued in the above-identified application is incorrect for the reasons set forth below:

Attached is a copy of the Utility Patent Application Transmittal form as filed September 12, 2001 (Exhibit A), indicating that the above-identified application is based on and claims the benefit of U.S. Application Serial No. 09/661,014, filed September 13, 2000, which has been converted to Provisional Patent Application Serial No. 60/331,371 as indicated in the enclosed copy of the Decision on Petition (Exhibit B).

The domestic priority data should read (with additions in bold):

Domestic Priority data as claimed by applicant:  
**PROVISIONAL APPLICATION 60/331,371 09/13/2000**

Inventors: John C. Reed  
Serial No.: 09/955,526  
Filed: September 12, 2001  
Page 2

Attached is a copy of the Filing Receipt with the changes noted thereon. Applicants accordingly request that these corrections be made of record and that an amended Filing Receipt be issued.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge any fees to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: August 30, 2002

*Andrea Gashler*

Andrea L. Gashler  
Registration No.: 41,029  
Telephone: (858) 535-9001  
Facsimile: (858) 535-8949

Campbell & Flores LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
USPTO CUSTOMER NO. 23601



UNITED STATES DEPARTMENT OF COMMERCE  
Patent & Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



June 26, 2002

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Page #12

Campbell & Flores LLP  
4370 La Jolla Village Drive  
7th Floor  
San Diego, CA 92122

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In re Application of:  
John C. Reed  
Application No.: 09/661014  
Filed: September 13, 2000  
Attorney Docket: P-LJ 4335

DECISION ON PETITION

OCT 18 2002

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This is a decision on your petition received in the Patent and Trademark Office on September 12, 2001, and treated as a petition under 37 CFR 1.53(b)(2)(ii) to convert the above identified application to a Provisional application under 35 U.S.C. 111 (b) and 37 CFR 1.53(b)(2).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application serial number is 60/331371. The filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

John Dill, Lead Legal Instruments Examiner  
Office of Initial Patent Examination  
(703) 308-0910



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Page 1 of 2  
ALG/PMG P

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/955,526	09/12/2001	1638	934	P-LJ 4868	3	46	10

CONFIRMATION NO. 8589

23601  
CAMPBELL & FLORES LLP  
4370 LA JOLLA VILLAGE DRIVE  
7TH FLOOR  
SAN DIEGO, CA 92122

UPDATED FILING RECEIPT



\*OC000000007604421\*

Date Mailed: 03/08/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

John C. Reed, Rancho Santa Fe, CA;

## Domestic Priority data as claimed by applicant

Provisional Application 60/331,371 09/13/2000

## Foreign Applications

If Required, Foreign Filing License Granted 10/24/2001

Projected Publication Date: 03/13/2003

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Plant cytoprotective genes and methods of using same

Preliminary Class

800



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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SEP. 04 2002  
PATENT & TRADEMARK OFFICE

UTILITY PATENT APPLICATION TRANSMITTAL  
(only for new and continuation-in-part  
nonprovisional applications under 37 CFR  
1.53(b))

Docket No.:

P-LJ 4868

Address to: COMMISSIONER FOR PATENTS  
Box Patent Application  
Washington, D.C. 20231



23601

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 057041185US

DATE OF DEPOSIT: September 12, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
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37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS  
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WASHINGTON, D.C. 20231.

Antonio De la Cruz  
(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)

Antonio De la Cruz  
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

This is a request for filing a  
 new utility patent application under 37 CFR 1.53(b)(1).

continuation-in-part under CFR 1.53(b)(2) of prior  
application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
(list entire parentage).

Title: PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME

Inventor(s) (full name of each inventor): John C. Reed

Enclosed are:

- Return receipt postcard  
 Patent Application Bibliographic Data Sheet  
 1 Page application cover sheet  
 61 Pages of specification (includes claims and abstract)  
 3 Sheets of drawing(s)  
 Pages of an executed Declaration for Patent Application  
 An executed Power of Attorney for Patent Application by  
Assignee  
 Paper copy of sequence listing, pages 1 through 5  
 Sequence listing in computer readable form  
 Statement Under 37 CFR 1.821(f)  
 An executed assignment and recordation form cover sheet  
 An executed Statement Under 37 CFR 3.73(b)  
 An executed small entity statement  
 Request for Nonpublication and Certification  
 Also enclosed:

This application is based on prior foreign application(s)  
No.(s) \_\_\_\_\_, filed in \_\_\_\_\_ on \_\_\_\_\_  
, respectively, and priority is hereby claimed  
therefrom.

This application is based on, and claims the benefit of,  
U.S. Provisional Application No. 60/\_\_\_\_\_, filed \_\_\_\_\_  
, and entitled \_\_\_\_\_, and which is incorporated  
herein by reference.

Inventor: John C. Reed  
Docket No.: P-LJ 4868  
Page 2 of 2

This application is based on, and claims the benefit of, U.S. Provisional Application No. 60/\_\_\_\_ (yet to be assigned), filed September 13, 2000, which was converted from U.S. Serial No. 09/661,014, and entitled PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME, and which is incorporated herein by reference.

The filing fee has been calculated as shown below:

	Number Filed	Number Extra	Rate		Fee	
			Small Entity	Other Entity	Small Entity	Other Entity
Total Claims	46 - 20	= 26	x \$9	\$18	= \$234	\$
Independent Claims	10 - 3	= 7	x \$40	\$80	= \$280	\$
Multiple Dependent Claims Presented: <u>Yes</u> <input checked="" type="checkbox"/> <u>No</u>			\$135	\$270	\$0	\$
BASIC FEE					\$355	\$710
TOTAL FEE					\$869	\$

- A check in the amount of **\$869.00** is enclosed, which covers the small entity filing fee of \$869.00.
- The payment of the filing fee is to be deferred until the Declaration is filed. Do not charge our deposit account.
- The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Address all future communications to:

Cathryn Campbell  
CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive, 7<sup>th</sup> Floor  
San Diego, California 92122  
telephone: (858) 535-9001  
facsimile: (858) 535-8949  
**USPTO CUSTOMER NO. 23601**

Respectfully submitted,

Date: September 12, 2001

Andrea L. Gashler  
Andrea L. Gashler  
Registration No.: 41,029  
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Bib Data Sheet

CONFIRMATION NO. 8589

SERIAL NUMBER 09/955,526	FILING DATE 09/12/2001 RULE	CLASS 800	GROUP ART UNIT 1638	ATTORNEY DOCKET NO. P-LJ 4868
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**APPLICANTS**

John C. Reed, Rancho Santa Fe, CA;

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OCT 18 2002

**\*\* CONTINUING DATA \*\*\*\*\***

This appln claims benefit of 60/331,371 09/13/2000

TECH CENTER 1600/2900

**\*\* FOREIGN APPLICATIONS \*\*\*\*\***

**IF REQUIRED, FOREIGN FILING LICENSE GRANTED** \*\* SMALL ENTITY \*\*  
\*\* 10/24/2001

Foreign Priority claimed	<input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY CA	SHEETS DRAWING 3	TOTAL CLAIMS 46	INDEPENDENT CLAIMS 10
35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature _____ Initials _____				

**ADDRESS**

23601

**TITLE**

Plant cytoprotective genes and methods of using same

FILING FEE RECEIVED 934	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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